

FILED

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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BENJAMIN JENKINS, III,

Plaintiff,

vs.

JUDGE GOLDEN and BIRMINGHAM
CITY JAIL,

Defendants.

MA
CV-97-P-2475-S

NOV 06 1998

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on September 24, 1998, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed as frivolous. A Final Judgment will be entered.

DATED this 6th day of Nov., 1998.


SAM C. POINTER, JR.
CHIEF JUDGE

8